

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID LAMB,

Petitioner,

Case No. 03-73587

Honorable John Corbett O'Meara

v.

CARMEN PALMER,

Respondent,

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court having reviewed the Report and Recommendation filed July 1, 2010, by Magistrate Judge Paul J. Komives, as well as Petitioner's Objections filed July 14, 2010, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is ACCEPTED and ADOPTED as the findings and conclusions of this Court.

IT IS FURTHER ORDERED that Petitioner's Second Motion for Certificate of Appealability, filed April 7, 2010 is DENIED; and Petitioner's Motion to Proceed *in forma pauperis* is DENIED.

s/John Corbett O'Meara

United States District Judge

Date: August 6, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 6, 2010, using the ECF system and upon Petitioner at Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868 by first-class mail.

s/William Barkholz

Case Manager